

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIMBERLY A. BIVENS,

Defendant.

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CASE NO. 8:12CR177

TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report ("PSR"). The government did not object to the PSR. The Probation Officer addressed the Defendant's objections in the Addendum to the PSR, and the Defendant has not filed any written statement of position regarding any unresolved objections pursuant to Paragraph 6 of the Second Amended Order on Sentencing Schedule.

Accordingly,

IT IS ORDERED:

1. The Court will adopt the PSR at the time of sentencing;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;
3. Absent submission of the information required by paragraph 2 of this Order, these tentative findings are final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 27th day of November, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge